

ZEE LAW GROUP, P.C.

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**Attorneys for Respondent and Creditor,
COLLECT ACCESS LLC**

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA - SAN DIEGO

In Re:

JOSE J. HERNANDEZ

Debtor.

) Case No.: 11-15921-MM7

)

) Chapter 7

)

) Judge: Honorable Margaret M. Mann (Dept. 1)

)

**OPPOSITION TO APPLICATION FOR COSTS
INCURRED FOR FILING MOTION FOR
CONTEMPT AND ADDITIONAL ATTORNEY
FEES**

)

) **Date: May 8, 2014**

) **Time: 10:00 A.M.**

) **Dept.: 1**

) **Room: 218**

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TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:

Creditor and Respondent COLLECT ACCESS LLC, a California Limited Liability Company ("Creditor" or "Respondent") hereby opposes the application for costs and fees incurred for filing motion for contempt filed by JOSE J. HERNANDEZ ("Mr. Hernandez" or "Debtor").

1 Attorneys for Debtor, JORGE HALPERIN and ELIZABETH SWILLER (“Debtor’s
2 Attorneys” or “Applicants”) make a motion for further attorneys fees after the pending Appeal of
3 Creditor and Opposing Party COLLECT ACCESS LLC’S concluded on April 4, 2014. Creditor
4 respectfully opposes any attorney fees awarded to Applicants beyond those ordered by this court
5 on July 19, 2012 as Applicants have failed to make an argument which demonstrates that their
6 request is supported by the law or any other statutory authority.

7 Applicants moved on July 19, 2013 to renew their request for fees and costs based on the
8 order of the court dated June 12, 2013. However, neither their July 19, 2013 application (Docket
9 94) nor their application filed on April 16, 2014 cite any legal authority as to why further fees or
10 costs may be awarded beyond the bond posted on September 13, 2013 in the amount of
11 \$3,572.06 and as such any further award of fees and costs is unwarranted.

12 Creditor does not oppose the release of the bond posted on September 13, 2013 however,
13 does object to any further award to Applicants as they have failed to cite any authority that
14 authorize the award of further fees and costs.

15 Permitting applicants additional attorney fees prosecuting the sanctions action would
16 further neither the financial nor the non-financial goals of this court and goes against the
17 traditional American Rule. As such, Creditor respectfully requests that the court deny the motion
18 as to the award of fees beyond the \$3,572.06 currently being held by the Court.

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21 Dated: May 6, 2014

ZEE LAW GROUP, P.C.

22 /s/ Tappan Zee

23 _____
24 Tappan Zee, Esq.
25 Attorneys for Creditor
26 COLLECT ACCESS LLC
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